

ORIGINALUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES L. COLEMAN, #123431,

Plaintiff,

v.

CASE NO. 05-CV-74867-DT
HONORABLE AVERN COHNMICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,Defendants.

ORDER TRANSFERRING CASE

Before the Court is Plaintiff James L. Coleman's *pro se* complaint for writ of mandamus and civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff is a Michigan prisoner confined at the Marquette Branch Prison ("MBP") in Marquette, Michigan. Defendants are Michigan Department of Corrections ("MDOC") Director Patricia Caruso, MBP Warden Gerald Hofbauer, MBP corrections officers and medical personnel, and MDOC hearings officers and employees.

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. See 28 U.S.C. § 1391(b). Public officials "reside" in the county where they serve. See *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Additionally, pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district where it might have been brought for the convenience of the parties and witnesses in the interest of justice.

In this case, the MBP defendants reside in Marquette County and Plaintiff is currently incarcerated in that same county, which lies in the Northern Division of the Western District of Michigan. See 28 U.S.C. § 102(b). Additionally, the MDOC Director and MDOC hearings officers reside in Lansing, Michigan, which lies in the Southern Division of the Western District of Michigan. *Id.* The Court finds that this action could be more conveniently and efficiently adjudicated in the Western District of Michigan.

Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan. See 28 U.S.C. §§ 1391(b) and 1404(a).


R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

DATED: 1/9/06